



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/785,230

02/25/2004

Tadamitsu Kishimoto

046124-5042-01

1453

9629 7590 10/02/2008
MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

EXAMINER

GODDARD, LAURA B

ART UNIT

PAPER NUMBER

1642

MAIL DATE

DELIVERY MODE

10/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/785,230	Applicant(s) KISHIMOTO ET AL.	
	Examiner LAURA B. GODDARD	Art Unit 1642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25, 26 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25, 26 and 28 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/646,785.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

EXAMINER'S AMENDMENT and *Ex parte* Quayle

1. The Amendment filed June 26, 2008 in response to the Office Action of January 29, 2008 is acknowledged and has been entered. Claims 1-23 and 25-30 are pending. Previously pending claims 25, 26, and 28 are amended. Claims 25, 26, and 28 are currently being examined and are allowed.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Fabian Koenigbauer on 9/22/2008.

2. The application has been amended as follows:

In the claims:

Cancel claims 1-23, 27, 29, and 30.

Claim 25: A method for treating a solid tumor comprising administering a substance that inhibits human CXCR4 to a human subject expressing CXCR4 in need thereof, wherein the substance inhibits the binding between the human

Art Unit: 1642

ligand SDF-1 and the human receptor CXCR4, wherein the substance is selected from the group consisting of:

i) an anti-human CXCR4 antibody, or a fragment thereof **possessing**
~~binding activity that binds~~ to **human** CXCR4;

and

ii) an anti-human SDF-1 antibody, or a fragment thereof **possessing**
~~binding activity that binds~~ to **human** SDF-1.

Claim 26: A method for treating a disease pathologically caused by neovascularization comprising administering a substance that inhibits human CXCR4 to a human subject expressing CXCR4 in need thereof, wherein the substance inhibits the binding between the human ligand SDF-1 and the human receptor CXCR4, wherein the substance is selected from the group consisting of:

i) an anti-human CXCR4 antibody, or a fragment thereof **possessing**
~~binding activity that binds~~ to **human** CXCR4;

and

ii) an anti-human SDF-1 antibody, or a fragment thereof **possessing**
~~binding activity that binds~~ to **human** SDF-1.

Claim 28: A method for suppressing vascularization comprising administering a substance that inhibits human CXCR4 to a human subject expressing CXCR4 in need thereof, wherein the substance inhibits the binding between the human ligand SDF-1 and the human receptor CXCR4, wherein the substance is selected from the group consisting of:

i) an anti-human CXCR4 antibody, or a fragment thereof ~~possessing binding activity that binds~~ to human CXCR4;

and

ii) an anti-human SDF-1 antibody, or a fragment thereof ~~possessing binding activity that binds~~ to human SDF-1.

3. This application is in condition for allowance except for the following formal matters:

CORRECTION REQUIRED for SEQUENCE LISTING

4. This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.8821 (a)(1) and (a)(2). The sequence listing submitted June 26, 2008 is objected to because it incorrectly identifies SEQ ID NO:1 and SEQ ID NO:2 as murine, when they are actually human. The sequence listing at line <213> for both sequences states "Mus" when it should identify the sequences as human. The instant specification at page 14, line 23

Art Unit: 1642

through p. 15, line 6, identifies SEQ ID NOs:1 and 2 as human CXCR4, and SEQ ID NOs:3 and 4 as murine CXCR4. Appropriate correction is required.

5. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAURA B. GODDARD whose telephone number is (571)272-8788. The examiner can normally be reached on 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms can be reached on 571-272-0832. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1642

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laura B Goddard/
Examiner, Art Unit 1642